

10-12 and 18-20 have been withdrawn from consideration as drawn to non-elected inventions. Claims 1-9 and 13-17 have been rejected under various rejections. As outlined above, Claim 13 has been amended. Therefore, Claims 1-20 remain pending in this application, however, only Claims 1-9 and 13-17 are currently under consideration.

The amendment to Claim 13 is merely a rearrangement of the wording of the originally presented claim. Therefore, the originally filed claim supports the presently pending claim.

Rejections

Claims 13-17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

The Office Action argues that claims directed to an absorbent garment kit are unclear as the disclosure "continuously refers to an integral waist belt attached to a suspension sling." Applicant respectfully traverses this rejection and points to the Fig. 5 of the drawing and the specification at page 5, lines 4-13, and at page 19, line 26 et seq. Applicant submits that this disclosure adequately supports claims 13-17. Further, Claim 13 has been amended to more clearly require a kit including at least two separate elements. Reconsideration and withdrawal of this rejection are earnestly solicited.

Claims 1-9 and 13-17 stand rejected under 35 U.S.C. §102(b) as anticipated by Yamamoto et al., U.S. Patent No. 5,607,416 (hereinafter "Yamamoto"). Applicant respectfully traverses this rejection.

The present invention, as defined by Claim 1, relates to an integral disposable absorbent garment that may be worn about a human lower torso. The garment includes a suspension sling for absorbing and containing body exudates. The suspension sling has longitudinally extending suspension sling side margins, a suspension sling distal end and a suspension sling proximal end. The suspension sling can be suspended in a wearer's crotch region.

The garment also includes a waist belt having a first belt end secured to the suspension sling proximal end and a second belt end. The waist belt is capable of encircling a user's waist with the suspension sling suspended in the wearer's crotch region and the second belt end attached to the first belt end at the suspension sling proximal end.

The invention, as defined by Claim 13, relates to a disposable absorbent garment kit that may be worn about a human lower torso. The garment kit includes a reusable waist belt having a first belt end, a second belt end, and a pair of sling attachment locations. The first sling attachment location is disposed proximate the first belt end, and a second sling attachment location is disposed between the first and second belt ends. The garment kit also includes a disposable suspension sling for absorbing and containing body exudates. The suspension sling has longitudinally extending suspension sling side margins, a suspension sling distal end and a suspension sling proximal end.

The suspension sling can be attached to the first and second sling attachment locations on the belt and suspended in a wearer's crotch region. Thus, while the suspension sling is disposable, the waist belt can be reused.

Yamamoto purports to disclose a disposable absorbent pad attached to a support member placed about a wearer's waist. The

support member, such as an elastic waist band, is formed separately from the absorbent pad member, but the two elements appear to be combined in an integral article. Opposite ends of the waist band may be detachably fastened together or the waist band may have an endless fashion, a closed loop. The ends of the waist band are shown in Fig. 1 as being attached on the side of the wearer, approximately midway between the pad member ends. Indeed, Yamamoto indicates "the fastener means 13a, 13b of the waist band 2 are located so as to leave the abdominal center free" (Col. 4, lines 56-57).

As well settled, anticipation requires "identity of invention." Each and every element recited in a claim must be found in a single prior art reference and arranged as in the claim. Furthermore, there must be no difference between what is claimed and what is disclosed in the applied reference. Moreover, it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference. In the present case, the Office Action has failed to exhibit this.

The Office Action fails to set forth where Yamamoto discloses a waist belt having a first belt end secured to the suspension sling proximal end and a second belt end. It also fails to set forth where Yamamoto discloses that the waist belt is capable of encircling a user's waist with the second belt end attached to the first belt end at the suspension sling proximal end. While the Office Action contends that a first belt end extends "from 13a to the area just below the reference numeral 2", this definition is inconsistent with the normal definition of the term "end". Applicant herewith submits the definition of "end" from Webster's II New Riverside Desk Dictionary, Home and

Office Edition, p. 140 (Houghton Mifflin Company, 1988). Applicant respectfully submits that this definition is consistent with his earlier arguments and refutes the position argued in the Office Action. Therefore, Applicant submits that Yamamoto fails to disclose that a first belt end is secured to the suspension sling proximal end and the second belt end is attached to the first belt end at the suspension sling proximal end. Thus, the rejection of Claims 1-9 is improper and should be withdrawn.

In addition, Applicant respectfully points out that Claim 13 has distinct requirements, and the Office Action fails to set forth where Yamamoto discloses that its waist band and pad member are separate elements in a kit. While the Office Action indicates that Applicant's position in this matter is not "recited in the rejected claims", Applicant respectfully disagrees. The Claim currently reads "said garment comprising a kit including" the two elements. Thus, Applicant submits that his argument is consistent with the claims. Further, the Office Action fails to set forth where Yamamoto teaches that its pad member end is attachable to this attachment location proximate the first belt end. Thus, Yamamoto again does not disclose as much as the Office Action contends. For this reason, the rejection of Claims 13-17 is improper and should be withdrawn.

Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claim 13 is reproduced below, identifying the changes made:

13. (Thrice amended) An absorbent garment [kit] that may be worn about a human lower torso, said garment [kit] comprising a kit including:

a) a reusable waist belt having a first belt end, a second belt end, a first sling attachment location proximate the first belt end, and a second sling attachment location disposed between the first and second belt ends; and

b) a disposable suspension sling for absorbing and containing body exudates, said suspension sling having longitudinally extending suspension sling side margins, a suspension sling distal end and a suspension sling proximal end, said suspension sling being attachable to the first and second sling attachment locations of the waist belt in a manner to suspend the suspension sling in a wearer's crotch region;

wherein the waist belt is capable of encircling a user's waist with the suspension sling suspended in the wearer's crotch region.